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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,936	12/23/2003	Leslie E. Smith	P-FILM-603	9398

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EXAMINER

FONTAINE, MONICA A

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

ML

Office Action Summary

Application No.

10/743,936

Applicant(s)

SMITH ET AL.

Examiner

Monica A. Fontaine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-12 and 20-35 is/are pending in the application.
- 4a) Of the above claim(s) 32-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-12 and 20-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 020105
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Election/Restrictions

Newly submitted claims 32-35 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The product could be made by a different process, such as extrusion.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 32-35 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 11 and 20-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (U.S. Patent 2,759,217), in view of Susa et al. (U.S. Patent 5,760,122). Regarding Claim 10, Peterson shows that it is known to carry out a method for forming wide paint film parts (Abstract), which comprises providing apparatus for forming wide paint film parts, having a frame; and attached to the frame, at least two paint film stock grasping members, which generally oppose one another, which can grasp deformable paint film stock, at least one of which

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can be moved apart from the other while the stock is grasped (Figure 1, element 32); providing deformable paint film stock, which is in a form of a discrete substantially planar sheet able to be itself formed into a part through pressure molding (Figure 1, element 34; It is noted that stretching is a kind of pressure molding.); grasping to be itself formed on generally opposing sides by at least two paint film stock grasping members (Column 2, lines 53-60); and moving, while the stock is so grasped, the at least one of the at least two paint film stock grasping members apart from the other so as to draw or stretch the stock between the at least two paint film stock grasping members in the plane of the sheet so as to form a planarly drawn or stretched planar paint film (Column 2, lines 61-71; column 3, lines 1-39). Peterson does not show using a laminate material. Susa et al., hereafter "Susa," shows that it is known to carry out a stretching operation on a paint film made of a laminate material including a deformable base having a paint film laminated thereon that provides a painted surface finish (Column 1, lines 6-10; 23-30; Column 10, lines 29-39, 61-67). Susa and Peterson are combinable because they are concerned with a similar technical field, namely, processes relating to film parts. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Susa's laminated paint film as the film in Peterson's stretching process in order to obtain a uniformly-stretched paint film part.

Regarding Claim 11, Peterson shows the process as claimed as discussed in the rejection of Claim 10 above, including a process wherein heat is applied to the stock sheet to facilitate stretching (Column 3, lines 67-74), meeting applicant's claim.

Regarding Claim 20, Peterson shows the process as claimed as discussed in the rejection of Claim 10 above, including a method wherein the deformable base of the stock sheet is a

thermoformable material (Column 1, lines 15-21), meeting applicant's claim.

Regarding Claim 21, Petereson shows the process as claimed as discussed in the rejection of Claims 10 and 20 above, including a method wherein the stock sheet is loaded in the apparatus, and the stock sheet is grasped by the paint film stock grasping members through jaws associated with said members; then the stock sheet in the loaded apparatus is softened by heating, and then the stock sheet is drawn or stretched (Column 3, lines 67-75; Column 4, lines 1-30), meeting applicant's claim.

Regarding Claim 22, Peterson shows the process as claimed as discussed in the rejection of Claims 10, 20 and 21 above, including a method wherein the softened stock sheet is drawn or stretched along at least two non-parallel axes in the plane (Figure 1), meeting applicant's claim.

Regarding Claim 23, Peterson shows the process as claimed as discussed in the rejection of Claims 10 and 20-22 above, including a method wherein the stock sheet is substantially square (Figure 1), meeting applicant's claim.

Regarding Claim 24, Peterson shows the process as claimed as discussed in the rejection of Claims 10 and 20-23 above, including a method wherein two of the at least two non-parallel axes are substantially orthogonal to one another (Figure 1), meeting applicant's claim.

Regarding Claim 25, Peterson shows the process as claimed as discussed in the rejection of Claims 10 and 20-24 above, including a method wherein the stock sheet and apparatus loaded with it is moved into an oven for heating, and then is drawn or stretched (Column 3, lines 67-75; Column 4, lines 1-30), meeting applicant's claim.

Regarding Claim 26, Peterson shows the process as claimed as discussed in the rejection

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of Claim 10 above, including a method wherein the drawn or stretched planar laminate paint film sheet is further subject to pressure molding to form a three dimensional wide paint film stock part (Column 3, lines 69-74), meeting applicant's claim.

Regarding Claim 27, Peterson shows the process as claimed as discussed in the rejection of Claims 10 and 26 above, including a method wherein the drawn or stretched planar laminate paint film sheet is substantially cooled before it is further subject to molding (Column 4, lines 23-30), meeting applicant's claim.

Regarding Claim 28, Peterson shows the process as claimed as discussed in the rejection of Claims 10 and 26 above, including a method wherein a mold is moved into position with respect to the drawn or stretched planar laminate paint film to subject it to the molding, without substantial cooling of the drawn or stretched planar laminate paint film sheet (Column 3, lines 67-75; Column 4, lines 1-5), meeting applicant's claim.

Regarding Claim 29, Peterson shows the process as claimed as discussed in the rejection of Claims 10 and 22 above, including a method wherein the drawn or stretched planar laminate paint film sheet is further subject to pressure molding to form a three dimensional wide paint film stock part (Column 3, lines 69-74), meeting applicant's claim.

Regarding Claim 30, Peterson shows the process as claimed as discussed in the rejection of Claims 10, 22 and 29 above, including a method wherein the drawn or stretched planar laminate paint film sheet is substantially cooled before it is further subject to molding (Column 4, lines 23-30), meeting applicant's claim.

Regarding Claim 31, Peterson shows the process as claimed as discussed in the rejection of Claims 10, 22 and 29 above, including a method wherein a mold is moved into position with

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respect to the drawn or stretched planar laminate paint film to subject it to the molding, without substantial cooling of the drawn or stretched planar laminate paint film sheet (Column 3, lines 67-75; Column 4, lines 1-5), meeting applicant's claim.

Claim 12 lacks an inventive step under PCT Article 33(3) as being obvious over Peterson and Susa, further in view of Ghosh (U.S. Patent 6,487,902). Peterson shows the process as claimed as discussed in the rejection of Claim 10 above, but he does not show a specific amount by which the film is stretched. Ghosh shows that it is known to carry out a stretching operation wherein the stock is stretched to at least about 125% of at least one of its original dimensions before stretching (Figure 11A, 11B, 12A, 12B; Column 12, lines 37-56; It is noted that an extension ratio of 2 is considered as indicating a doubling of dimensions of the film stock.). Ghosh and Peterson are combinable because they are concerned with a similar technical field, namely, stretching processes. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to carry out Peterson's and Susa's stretching processes until Ghosh's dimensions are reached in order to obtain an article which abides by specific end-use requirements of a certain dimension and stretch ratio.

Response to Arguments

Applicant's arguments with respect to claims 10-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A. Fontaine whose telephone number is 571-272-1198. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Colaianni can be reached on 571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Maf
April 8, 2005



MICHAEL P. COLAIANNI
SUPERVISORY PATENT EXAMINER